IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No: 09/941,057	§	Examiner: Kendall, Chuck O.
Filed: August 28, 2001	§	Group/Art Unit: 2192
Inventor(s):	§	Atty. Dkt. No: 5150-59901
Steven W. Rogers and Jeffrey L.	§	
Kodosky	§	
	§	
	§	
Title: SYSTEM AND METHOD	§	
FOR ANALYZING A	§	
GRAPHICAL PROGRAM	§	
USING DEBUGGING	§	
GRAPHICAL PROGRAMS	§	
	§	
	§	

REQUEST FOR PRE-APPEAL BRIEF REVIEW

Dear Sir or Madam:

     Applicant requests review of the non-final rejection in the above-identified application. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated below.

     Applicant is in receipt of the Office Action mailed July 27, 2006. Claims 1-11 and 13-40 remain pending in the present case. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal.

Section 102 Rejection

     Claims 1-7, 9-15, and 17-40 stand rejected under 35 U.S.C. 102 (e) as being unpatentable over Leask et al. (U.S. Patent No. 6,412,106, "Leask"). Applicant respectfully traverses the rejection.

<u>Claim 1</u>

Leask teaches a system and a method for graphically debugging a computer program. Leask teaches using debugging tools for debugging a graphical representation of a program, where the debugging tools "may be represented graphically to indicate which tools are currently set in the program" (Leask col. 7, lines 26-29). The Office Action equates the debugging tools of Leask to the debugging graphical program of claim 1. Applicant respectfully disagrees.

Applicant respectfully submits that claim 1 is allowable in view of Leask. In particular, claim 1 recites a first graphical program and a debugging graphical program, where each graphical program includes a respective plurality of interconnected graphical program nodes or icons which graphically represent functionality of the respective graphical program. For example, Figure 7 illustrates an exemplary debugging graphical program that contains a plurality of interconnected nodes. Figure 9 illustrates an exemplary first graphical program with an exemplary associated debugging graphical program. Both of these exemplary graphical programs comprise a plurality of interconnected graphical program nodes or icons that graphically represent the respective graphical program's functionality.

Furthermore, as recited in claim 1, the association of the debugging graphical program with the first graphical program does not modify the functionality of the first graphical program. Thus, claim 1 describes an association of at least two separate graphical programs, the first graphical program and the debugging graphical program, where the debugging graphical program is represented as a debugging icon in the first graphical program, and where the association does not modify the functionality of the first graphical program.

In contrast, Leask teaches a graphical debugging environment, where the graphical debugging environment allows interactive debugging of a graphical representation of a textual program using debugging icons. For example, Leask teaches that the graphical debugging environment of Figure 3 corresponds to the textual

debugging environment of Figure 2. Leask does not teach creating any of the debugging icons 410, 412, 414, 416, or 418 using a graphical development environment. Leask does not teach that any of the debugging icons comprise a graphical program.

Applicant notes that the cited debugging elements of the Leask patent (elements 410, 412, 414, 416, and 418) are icons and are not graphical programs as defined in claim 1. The debugging icons of Leask are not graphical programs as they do not contain interconnected graphical program nodes, and the debugging icons are not themselves executable programs. Furthermore, Leask does not teach or suggest the user creating a debugging graphical program using a graphical programming development environment. Applicant also notes that a single debugging icon cannot be a "plurality of interconnected graphical program icons." Thus, the graphical icon representation of a debugging tool of Leask is not equivalent of the debugging graphical program of claim 1.

Furthermore, Leask does not teach creating any of the graphical representations of the debugging tools, such as the cited debugging tools 410, 412, 414, 416, or 418 of Figure 5, using a graphical programming development environment. Leask does not teach creating a debugging program using a plurality of interconnected graphical program nodes or icons that graphically represent the functionality of the debugging graphical program. Thus, the graphical representation of the debugging tool of Leask is not equivalent to the debugging graphical program of claim 1.

Applicant further notes that the cited block 702 of Figure 7 references a step of a flowchart that describes the operation of the debugging process of the Leask system. Applicant notes that the flowchart of operation is not analogous to a graphical program that includes interconnected graphical program nodes, as described above. Thus Figure 7 is not a graphical program, and it does not describe operation of a graphical program.

For at least the above reasons, Applicant submits that Leask does not teach or suggest all of the features and limitations of the independent claim 1, and thus claim 1 and those claims dependent thereon are patentably distinct over Leask and are thus allowable. Similar arguments apply with equal force to the §102 rejection of independent claims 23, 27, 31, and 35, and those claims dependent thereon. Thus, Applicant

respectfully submits that claims 23, 27, 31, and 35, and those claims dependent thereon are patentably distinct over Leask and are thus allowable.

Therefore removal of the section §102 rejection of claims 1, 23, 27, 31, and 35, and those claims dependent thereon is respectfully requested.

Section 103 Rejection

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Leask in view of McKee et al. (U.S. Patent No. 5,915,114, "McKee"). Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Leask in view of Kodosky (U.S. Patent Application No. 2003/0037322, "Kodosky"). Applicant asserts that since the independent claims have been shown to patentably distinct, a further discussion of the dependent claims 8 and 16 is not necessary at this time. Thus, Applicant submits that the present claims are allowable.

Therefore removal of the section §103 rejection of claims 8 and 16 is respectfully requested.

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-59901/JCH.

Also filed concurrently is the following item: Notice of Appeal

Respectfully submitted,

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